

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FEDERAL DISTRICT COURT OF MASSACHUSETTS

CIVIL ACTION NO. 03 CV 12493 RCL

MELISSA SEPPI,

PLAINTIFF

VS.

MEZZANOTTE, LLC D/B/A VISION
NIGHTCLUB, and FRANK C. AMATO
DEFENDANTS

MOTION IN LIMINE-ARREST

Plaintiff files this motion in limine and respectfully moves the court as follows:

- To instruct defendant and defendant's attorneys not to mention, refer to, or bring before the jury, directly or indirectly, upon voir dire examination, reading of the pleadings, statement of the case, interrogation of witnesses, argument, objections before the jury, or in any other manner, any of the matters set forth below, unless and until such matters have first been called to the court's attention, out of the presence and hearing of the jury, and until a favorable ruling has been received regarding the admissibility and relevance of such matters.
- To instruct defendant's counsel to inform defendant and all witnesses called by defendant not to mention in the presence or hearing of the jury any of the below-enumerated matters, unless and until specifically permitted to do so by ruling of the court.
- To instruct counsel for defendant that the failure to abide by such order of the court may constitute contempt of court.

This motion is made on the ground that violation of any or all of these instructions would cause great harm to plaintiff's cause and would deprive plaintiff of a fair and impartial trial.

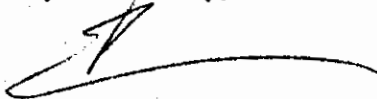
Counsel for defendant, defendant, and all witnesses will refrain from referring to or mentioning that:

Plaintiff may have been arrested or charged with any criminal offense for which the Plaintiff was not convicted, in particular an arrest for a misdemeanor that occurred in 2002 in Nashua New Hampshire, as a Nolle prosequi was entered on said charge on February 12, 2003.

As grounds in support hereof, any such evidence of an arrest without a conviction is inadmissible under Fed.R. Evid. 609 and also inadmissible under Fed. R. Evid. 404 (b) to prove character of the plaintiff. See United States v. Crutchfield 26 F. 3rd 1098 (11th Cir. 1994).

Therefore, Plaintiff asks that this motion be allowed and no inquiry whatsoever regarding Plaintiff's arrest be permitted.

MELISSA SEPPI,
By her attorney,



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Dated: November 4, 2005